



Order Filed on December 14, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Marie-Ann Greenberg MAG-1284  
Chapter 13 Standing Trustee  
30 TWO BRIDGES ROAD  
SUITE 330  
FAIRFIELD, NJ 07004-1550  
973-227-2840**

IN RE:  
FRANCIS D AVELLA

**Case No.: 15-25736 VFP**

**Hearing Date: 12/7/2017**

**Judge: VINCENT F. PAPALIA**

**Debtor is Not Entitled To Discharge**

**ORDER MODIFYING CHAPTER 13 PLAN POST CONFIRMATION**

The relief set forth on the following pages, numbered 2 through 2 is hereby **ORDERED**.

**DATED: December 14, 2017**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia  
United States Bankruptcy Judge**

Case No.: 15-25736 VFP

Caption of Order: ORDER MODIFYING CHAPTER 13 PLAN POST CONFIRMATION

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The Plan of the Debtor having been proposed to creditors, and hearing having been held on the Confirmation of such Plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

- ORDERED, that the plan of the above named Debtor dated 10/20/2017, or as amended at the confirmation hearing is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the Debtor; and it is further
- ORDERED, that to the extent that the Debtor's plan contains motions to avoid judicial liens under 11 U.S.C. Section 522(f) and/or to avoid liens and reclassify claims in whole or in part, such motions are hereby granted, except as specified herein:
- ORDERED, that commencing 9/1/2015, the Debtor shall pay the Standing Trustee
  - the sum of \$10,652.00 paid into date over 27 month(s), and then
  - the sum of \$795.00 for a period of 33 month(s), which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586. The unsecured creditors shall receive on a pro rata basis, the balance remaining from the payments set forth in this paragraph, after payment of all administrative, priority & secured claims (i.e., Pot Plan); and it is further
- ORDERED, that the Debtor's student loans are to be paid outside the plan; and it is further
- ORDERED, that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any discharged; and it is further
- ORDERED, that upon expiration of the Deadline to File a Proof of Claim, the Chapter 13 Standing Trustee may submit an Amended Order Confirming Plan upon notice to the Debtor, Debtor's attorney and any other party filing a Notice of Appearance.

## Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court  
District of New JerseyIn re:  
Francis D Avella  
DebtorCase No. 15-25736-VFP  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 16, 2017.

db +Francis D Avella, 4306 Newkirk Avenue, North Bergen, NJ 07047-2710

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 16, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 14, 2017 at the address(es) listed below:

Andrew M. Lubin on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Andrew M. Lubin on behalf of Creditor Select Portfolio Servicing, Inc. as servicing agent for The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pa bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Frank J. Martone on behalf of Creditor PNC BANK, N.A. bky@martonelaw.com

Herbert B. Raymond on behalf of Debtor Francis D Avella bankruptcy123@comcast.net, jeff.raymond@comcast.net; raymondmail@comcast.net; carol-raymond@comcast.net; bankruptcyattorneys@comcast.net; herbertraymond@gmail.com; carbonell\_c@hotmail.com; kdelyon.raymond@gmail.com

John M. Sommers on behalf of Creditor Amalgamated Bank JMSommers@KTLBSLAW.com, ktlbslaw@aol.com

Marie-Ann Greenberg magecf@magtrustee.com

Matthew C. Waldt on behalf of Creditor Select Portfolio Servicing, Inc. mwaldt@milsteadlaw.com

Sean M. O'Brien on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 sobrien@flwlaw.com

TOTAL: 9